IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 12876 of 2007(G)

PETITIONER:

T.GOPALAN,
S/O.T.KUTTIYAN, R/AT THOTTATHIL KANDAM,
P.O.KUNDAMKUZHI, CHENGALA VIA, KASARAGOD DISTRICT.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. STATION HOUSE OFFICER,
BEDAKAM P.O., KASARAGOD DIST.

2. KUNHIKANNAN, S/O.PAKKEERAN,
R/AT.THOTTATHIL KANDAM,
P.O.KUNDAMKUZHI, CHENGALA VIA,
KASARAGOD DISTRICT.

3. NANDANAM, S/O.T.KUTTIYAN,
R/AT.THOTTATHIL KANDAM, P.O.KUNDAMKUZHI,
CHENGALA VIA, KASARAGOD DISTRICT.

4. NARAYANAN,
S/O.T.KUTTIYAN, R/AT.THOTTATHIL KANDAM,
P.O.KUNDAMKUZHI, CHENGALA VIA,
KASARAGOD DISTRICT.

5. SREEDHARAN,
S/O.KANNAN, R/AT THOTTATHIL KANDAM,
P.O.KUNDAMKUZHI, CHENGALA VIA,
KASARAGOD DISTRICT.

6. SUSHEELA,
W/O.KUNHIKANNAN, R/AT THOTTATHIL KANDAM,
P.O.KUNDMKUZHI, CHENGALA VIA,
KASARAGOD DISTRICT.

7. JANAKI,
W/O.NARAYANAN, R/AT.THOTTATHIL KANDAM,
P.O.KUNDAMKUZHI, CHENGALA VIA, KASARAGOD DISTRICT.

8. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SASINDRAN
BY GOVT. PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).12876/07

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF PATTAYAM ISSUED BY TAHSILDAR, KASARAGOD TO PETITINER.

EXT.P2: COPY OF PERMIT DT. 14.2.07 ISSUED BY KERALA GROUND WATER AUTHORITY TO PETITIONER.

EXT.P3: COPY OF REPRESENTAITON TO 1ST RESPONDENT DT. 13.3.07

EXT.P4: COY OF JUDGMENT IN W.P.26863/06.

RESPONDENT'S EXHIBITS:

EXT.R5(A): TRUE COPY OF APPEAL AND STAY PETITION DATED 26.5.2007.

// TRUE COPY //

P.S.TO JUDGE.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 12876 OF 2007

DATED THIS, THE 13TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner seeks for appropriate writ order or direction to be issued to the first respondent to afford adequate and sufficient protection to his life and also for digging a bore well in 2.67 cents in RS 229/1A of Bedadka Village in Kasaragod District.

2. It is the case of the petitioner that because of the paucity of surface water in and around the locality, he applied the ground water authority for permission to dig a bore well which was granted as per Ext.P2 order dated 14.2.2007. According to the petitioner, even before attempting to dig the bore well, permission of the nearby property owners was obtained. But despite the same, when he attempted to dig the well Respondents 3 to 7 and their men caused physical obstruction preventing him from doing so. Complaint made before the first respondent also did not yield any result. Hence he has filed this writ petition.

3. Notice was issued and respondents entered appearance through counsel. No counter affidavit is filed. Heard both sides.

4. When the petitioner has obtained valid permit as evidenced by Ext.P2 for digging the bore well, if at all anybody has any apprehension that the nearby public will be seriously affected by the same, they can only raise their grievance before the concerned authorities and cannot cause any physical obstruction. When the petitioner has obtained a license and so long as the same is in force, he is entitled to dig the bore well strictly in accordance with the license conditions. In case there is any physical obstruction as alleged, the first respondent shall give necessary protection to the petitioner for digging the bore well.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-